

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK**

In re:

M. BURTON MARSHALL, a/k/a BURT
MARSHALL, a/k/a MILES BURTON
MARSHALL, et al.,

Debtors.

Case No. 23-60263-PGR
Chapter 11 (Main Case)

Case No. 23-60723-PGR
(Jointly Administered)

**CROSS-NOTICE OF RULE 2004 EXAMINATION OF CORPORATE
REPRESENTATIVE(S) OF BERKSHIRE BANK WITH KNOWLEDGE OF VARIOUS
SUBJECT MATTERS ON MAY 21, 2025**

Darlene Stetson, creditor in the above-named claim, appearing by and through undersigned counsel, hereby cross-notices the Rule 2004 examination of Berkshire Bank as previously noticed by Fred Stevens in his capacity as administrator of the confirmed Joint Plan of Liquidation in the case (the “Plan Administrator”). (*See* DE 585). The examination will be under oath on the following date at the following time and location pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure:

Examinee: Corporate Representative(s) of Berkshire Bank with knowledge of Deposition Topics Nos. 1, 2, 7, 9, 10, 11-13, 28, 31, 36, and 37 as listed in Schedule A of the subpoena previously issued to Berkshire Bank (see DE 585), **subject to** any and all limitations previously agreed as between the Plan Administrator and Berkshire Bank.

Date: May 21, 2025

Time: 10:30 A.M.

Location: Oneida County Supreme Court Law Library
235 Elizabeth Street
Utica, NY 13501
Phone: 315-266-4570

The Rule 2004 Examination may continue from day to day until completed. The Rule 2004 Examination is being taken pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure and the *Agreed Order, Pursuant To Fed. R. Bankr. P. 2004, Authorizing Chapter 11 Trustee To (I) Serve A Subpoena For Rule 2004 Examination Duces Tecum On Berkshire Bank; (II) Seek The Production Of Documents Requested Therein; And (III) Examine The Bank's Representative(s) With Knowledge About The Subject Matters Set Forth Therein* entered in the above-captioned case on November 25, 2024 (Docket No. 570). The Rule 2004 Examination will be taken before an officer authorized to record the testimony.

Date: May 19, 2025

Respectfully submitted,

/s/Daniel Centner

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Counsel for Creditor Darlene Stetson

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing document was filed via the Court's CM/ECF system case management system on this on the 19th day of May 2025.

/s/*Daniel Centner*
Daniel Centner